

# Exhibit 5

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TAMMY KITZMILLER, et al.,  
Plaintiffs,

v.

DOVER AREA SCHOOL DISTRICT and  
DOVER AREA SCHOOL DISTRICT  
BOARD OF DIRECTORS,  
Defendants.

Case No. 04-CV-2688  
(Hon. Judge Jones)

(Filed Electronically)

**DECLARATION OF HEATHER GEESEY  
PURSUANT TO 28 U.S.C. § 1746**

I make this declaration based on my personal knowledge as it relates to my tenure on the Dover Area School District Board of Directors.

1. I am an adult and a member of the Dover Area School District Board of Directors.

2. I have always understood that statements made by individual board members do not and cannot bind the board in any respect.

3. I have always understood that only the collective acts of the board members and the collectively passed resolutions and policies speak for and bind the board.

4. I have never spoken with anyone employed by, or associated with, the Foundation for Thought and Ethics or with Jon Buell or Charles Thaxton.

5. No one employed by, or associated with, the Foundation for Thought and Ethics had a role in developing or enacting any policy or resolution made by the school board.

6. Jon Buell and Charles Thaxton had no role in developing or enacting any policy or resolution made by the school board.

7. I have never communicated with anyone employed by, or associated with, the Foundation for Thought and Ethics or with Jon Buell or Charles Thaxton concerning the text of the book, *Of Pandas and People*, its origins, drafts, or purposes.

8. I have never communicated with anyone employed by, or associated with, the Foundation for Thought and Ethics or with Jon Buell or Charles Thaxton concerning the origins, mission, purpose, or projects of the Foundation for Thought and Ethics.

9. My understanding is that the Foundation for Thought and Ethics is the publisher of the book, *Of Pandas and People*. The Foundation for Thought and Ethics did not sell or give the book, *Of Pandas and People*, to the school board or school district.

10. I have never seen a draft of the book, *Of Pandas and People*.

11. I was unaware of the so-called "Wedge Document" or "Wedge Strategy" of the Discovery Institute until plaintiffs first mentioned it in this lawsuit.

12. I never discussed with anyone employed by, or associated with, the Discovery Institute about the so-called "Wedge Document" or "Wedge Strategy."

13. The Discovery Institute's so-called "Wedge Document" and "Wedge Strategy" had no role in the development or enactment of any policy or resolution made by the school board.

14. I have never communicated with Phillip Johnson, Percival Davis, or Dean Kenyon.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on 8.31, 2005.

Heather Geesey  
Heather Geesey